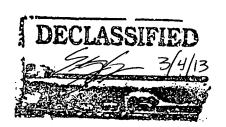


## STATE OF NEW MEXICO **ENERGY** AND MINERALS DEPARTMENT OFFICE OF THE SECRETARY

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### THE WASHINGTON WEEKLY REPORT

September 21 - 28, 1978 NO, 124WR

TO:

Nick Franklin, Secretary Energy and Minerals Department

FROM:

Washington Office

### **ENERGY**

NATURAL GAS BILL PASSES SENATE - Energy Box Scores

SENATE APPROVES WATER AND ENERGY PROJECTS BILL

HOUSE COMMITTEE APPROVES MILL TAILINGS CLEANUP BILL

CONGRESSIONAL ENERGY SCHEDULES

\*\*HOUSE-SENATE CONFEREES APPROVE CONSERVATION BILL: Settle gasguzzler issue



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### ENERGY

### NATURAL GAS BILL PASSES SENATE

On Wednesday, September 9, 1978, the Senate voted 57 to 42 in favor of the natural gas bill.

The measure approved yesterday would immediately boost the price of natural gas from \$1.50 to \$2.00 per thousand cubic feet. The price would then continue to rise by about 10% annually until 1985 when controls would be lifted. The measure also would extend federal regulatory authority over the intrastate as well as the interstate market. In addition, the bill permits the President or Congress to reimpose controls for one 18 - month period if prices go up too high after 1985.

The measure now goes to the House, where supporters are increasingly optimistic that it will be approved and sent to the President to be signed into law. It is anticipated that the House will vote on the four parts of the energy bill as a combined package, thus putting more pressure on the members to support the gas bill,

The following is a breakdown of the Senate roll-call vote on the gas measure and a chart of the status of the administrations energy proposal.

#### Democrats For

Allen (Ala.) Bumpers (Ark.) Burdick (N.D.)	Inouye (Hawaii) Jackson (Wash.) Leahy (Vt.)	Heinz (Pa,) Javits (N.Y.) Mathias (Md,)	Thurmond (S.C.) Young (N.D.)
Byrd (W. Va.) Cannon (Nev.) Chiles (Fla.)	Magnuson (Wash.) Matsunaga (Hawaii) McIntyre (N.H.)	Democrats	Against
Church (Idaho) Clark (Iowa) Cranston (Calif.) Cluver (Iowa) DeConcini (Ariz.) Eagleton (mo.) Ford (Ky.) Glenn (Ohio) Gravel (Alaska) Hart (Colo.) Hatfield (Mont.) Hathaway (Maine) Hodges (Ark.) Huddleston (Ky.)	Melcher (Mont,) Morgan (N.C.) Moynihan (N.Y.) Muskie (Maine) Nunn (Ga.) Poll (R,I.) Randolph (W. Va.) Ribicoff (Conn.) Sparkman (Ala.) Stennis (Miss.) Stevenson (Ill.) Stone (Fla.) Talmadge (Ga.) Williams (N.J.)	Anderson (Minn Bayh (Ind.) Bentsen (Tex.) Biden (Dal.) Byrd (Va.) Durkin (N.H.) Eastland (Miss Haskell (Colo., Hollings (S.C.) Humphrey (Minn	)Johnston (La.) .) Kennedy (Mass. Long (La.) McGovern (S.D.) Metzenbaum (Ohio Nelson (Wis.) Proxmire (Wis.) .) Riegle (Mich.) )Sarbanes (M.D.) ) Dasser (Tenn.) .) Zorinsky (Neb.

### Republicans For

Case (N.J.) CONFIDENTIALafee (R.I.) Danforth (Mo ) Pearson (Kan.)

McClure (Idaho) Packwood (Ore.)

Baker (Tenn.) Hayakawa (Calif. Bartlett (Okla.) Laxalt (Nev.) Bellmon (Okla.) Lugar (Ind.) Brooke (Mass.) Roth (Del.) Curtis (N∈POL-EPA01-0009106.M.) Dole (Kan.) Schweiker (Pa.)

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Domenici (N.M.) Griffin (Mich.) Hatfield (Oreg.) Percy (Ill.) Stafford (Vt.) Stevens (Alaska) Garn (Utah) Scott (Va.) Goldwater (Ariz.) Tower (Tex.) Hansen (Wyo.) Wallop (Wyo.)

### **ENERGY BOX SCORES**

	ADMINISTRATION PROPOSALS	HOUSE	SENATE	STATUS
	OIL PRICES;			•
	Retain controls; raise price through tax.	Approved	Rejected	Apparently dead in conference.
	NATURAL GAS PRICES:	•		
ved: -0100	Extend controls with higher price ceiling	Approved	Rejected: substituted deregulation of new gas prices.	Conferees approved phased deregulation; on Senate concurred yesterday, House still to vote.
	GASOLINE:			
	Standby tax	Rejected	Rejected	· · · · · · · · · · · · · · · · · · ·
	Tax on gas guzzlers	Approved	Rejected: substituted ban on pro- duction of gas guzzler	on abandonment of Senate ban on gas
	COAL CONVERSION:			
	Tax on utility and industrial use of gas and oil instead of coal	Approved	Approved but weaker	In conference.
	Law mandating indstrial and utility conversion to coal.	Approved	Approved but weaker	Conferees approved compromise; Senate ratified, still pending in House.
	UTILITY RATE REFORM	Approved	Rejected	Conferees approved weak version to encourage but not require rate reform; not vet passed by
CONFIDE	NTIAL			e:POL-EPA01-0009107

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### ENERGY BOX (Continued)

ADMINISTRATION PROPOSALS	HOUSE	SENATE	STATUS
MISCELLANEOUS CONSERVATION STEPS:			
Home Insulation tax credits	Approved	Approved	Conferees approved as part of tax bill still requiring action
Home appliance energy consumption standards	Approved	Approved	Conferees approved; not yet passed by either house.

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### SENATE APPROVES WATER AND ENERGY PROJECTS BILL

September 27, 1978, the Senate passed a \$10.2 billion public works water and energy appropriations bill. The measure provides appropriations for 53 water projects and includes funds for nuclear and solar programs.

The House-Senate conference report was approved by the House earlier this month and will now go to the President. (See: WR-No. 123) Carter opposes the bill and has indicated to Congress that he plans to veto the measure because it contains twice as many water projects as he had requested. Carter also says it obliterates his efforts to establish a new national policy on federally funded water projects.

The Administration also critizes the bill for mandating the hiring of 2,300 new federal employees (mostly in the Corps of Engineers) and for abolishing the interagency Water Resources Council, an agency proposed by Carter to formulate a comprehensive new water policy.

The House and Senate passed the legislation with huge majorities, however, the prospects for sustaining a veto in Congress remain uncertain. This week, House Speaker Thomas O'Neill Jr. (D-Mass.) and Majority Leader Jim Wright (D-Tex.) warned the Administration that if the water/energy bill is not approved, Carter would be taking a risk with the natural gas legislation which still needs House approval. Wright implied that members who would resent the veto might take it out on the gas bill.

### HOUSE COMMITTEE APPROVES MILL TAILINGS CLEANUP BILL

In action on Tuesday, September 26, the House Commerce Committee approved a Commerce-Interior compromise version for H.R. 13650, the "Uranium Mill Tailings Control Act of 1978" and reported the bill to the full House for floor action. H.R. 13650 had been reported by the Interior Committee on August 9 and a considerably different Commerce Subcommittee Print of the legislation had been reported to the full Commerce Committee the following week. Since then, staffs of the two committees have been working to resolve the differences between the two versions. In its action on Tuesday, the Commerce committee adopted without significant change the compromise proposal put forward by the staff. (The main points of this proposal were outlined in W.R. 122, pp. 1-3). The Commerce committee action cleared the legislation for placement on the calendar for floor action. A vote of the full House on the measure is expected late next week or early the following week. No serious opposition to the bill is likely.

### Senate Update:

Senate Energy and Natural Resources Committee reported its version of the mill tailings "remedial action" bill (Titles I and III of H.R. 13650) last week. (See; WR123) So far there is no indication as to when Senate floor action on the bill would occur, but approval by the full Senate is expected. The full Senate has already enacted an amended version of the NRC Authorization Act which would contain CONFIDENTIAL

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provisions similar to those in Title II of H.R. 13650 to expand NRC authority over disposition of tailings from active uranium mills. The House may act on its version of the NRC authorization this week, but the House bill does not contain any provisions for tailings regulation. A House-Senate conference will be necessary to resolve both substantive and procedural differences between the approaches of the two chambers to the mill tailings issues. However, most observers feel that agreement will be reached and that chances for enactment of a comprehensive mill tailings control act are quite good.

### House-Senate Differences:

Significant differences between the House and Senate bills include the following:

Funding - The Senate bill provides 100% federal funding of cleanup. House bill provides 90 - 10, federal-state match.

Sites Covered - H.R. 13650 includes only 22 abandoned sites - two of which are in New Mexico. Title III of the bill provides for a study and possible future inclusion of two additional New Mexico piles at Milan and Bluewater. The Senate bill covers 24 sites, including four New Mexico piles, and calls for a study of seventeen additional sites at which tailings produced under AEC contracts are "commingled"with those produced under more recent private sector contracts. The Senate bill would also require an NRC study of the hazards associated with uranium mine wastes.

Procedural Requirements - Title II of the House bill would require states regulating active mills under the "agreement state program" to conduct their programs in accordance with certain minimum procedural standards. These standards would require public hearings prior to issuance of a license, an environmental review similar to that required by NEPA (the National Environment Policy Act), and prohibit start-up of construction activities prior to completion and publication of the environmental review. The Senate amendment to the NRC authorization act which addresses existing milling operations does not contain any such procedural standards.

### CONGRESS ENERGY SCHEDULES

Late Thursday, September 28, the House-Senate Conservation Conferees will meet to iron out the gas-guzzler issue. The Senate position is to ban the sale of gas-guzzler automobiles and the House wants to impose a tax on these cars. (LATE NOTE: SEE LAST STORY)

Next week the Senate Governmental Affairs Committee is expected begin markup of S. 1493, Hart's (D-Colo) Energy Impact Assistance bill.

House Commerce Committee, chaired by Staggers, will conduct hearings to consider H.R. 13420, the Administration's State Energy Management and Planning Act (SEMP) next week.

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### OSM RELEASES PROPOSED STRIP-MINING REGULATIONS

Last week the Office of Surface Mining (OSM) of the Department of Interior published proposed regulations that will govern the strip-mining industry and the states that choose to run their own regulatory programs.

The proposed rules outline the agency's current thinking on a permanent program for the regulation of both surface mining and the surface effects of underground mining, and on programs for the designation of lands unsuitable for coal mining; coal exploration; certification of blasting personnel; coal mining on federal lands; development, approval and funding of state regulatory authorities; and establishing federal regulatory authorities in states electing not to regulate coal mining.

OSM is now in the process of conducting meetings in Washington and throughout the country in an attempt to expose the proposed regulations to wide public view and also to consider any pertinent comments or suggested changes in the regulations.

It appears that the OSM draft regulations released last week would allow states to implement alternative standards based on regional differences. States are required to submit their proposed programs with OSM by August 3, 1979. The August 3, 1979 date is somewhat flexible, but the 1977 surface mining law requires OSM to implement a federal program in any state that does not have an approved state program by June 3, 1980. OSM Director Walter Heine has indicated that any proposed alternatives must achieve the same or more stringent regulatory results as OSM's regulations.

The proposed Rules for Permanent Regulatory Program are published in the Federal Register, Book 2, Monday September 18, 1978. OSM will accept comments on the regs for state programs and the permanent performance standards until November 17, 1978. Comments should be addressed to P.O. Box 7267, Ben Franklin Station, Washington, D.C. 20044.

### HOUSE-SENATE CONFEREES APPROVE CONSERVATION BILL

Late Thursday, House-Senate Conservation Conferees agreed to drop a Senate provision banning the sale of inefficient gas-guzzling automobiles. After a day-long debate, the Conferees agreed that penalties in existing law on auto companies for manufacture of gas-guzzlers could be increased if the Secretary of Transportation found that this would lead to substantial saving of energy and would not increase auto imports or unemployment or have an adverse impact on the economy. The law, which took effect with 1978 model cars, required that a company's fleet average of small and large cars get at least 18 miles per gallon of gasoline-for each mile that the fleet average fell below that figure the company would be fined \$50 per car. The Conferees agreed to increase that fine to \$100 per car.

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### GAS-GUZZLER AGREEMENT cont.

The Conservation portion of the NEA has now been the fourth section to have come out of conference. The Senate must now approve the conference report before the House takes up any of the sections.

(SEE ENERGY BOXSCORE IN THIS REPORT)

The Conservation bill also:

authorizes \$900 million over three years to insulate schools and hospitals;

orders energy efficiency standards for major home appliances; and directs local utilities to advise customers on the benefits of home insulation and to help them to install it.

Meanwhile, Energy tax Conferees had approved a tax on sale of gas-guzzling cars, conditioned on dropping the Senate provision of banning the automobiles. The tax Conferees will meet today, Friday September 29, to see what is in store for a energy tax bill. They are expected to settle for the guzzler tax and tax credits to homeowners for insulating. The crude oil equalization tax (COET) and the industrial-users tax on oil and gas are expected to be left out.



# ENERGY AND MINERALS DEPARTMENT OFFICE OF THE SECRETARY

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NICK FRANKLIN SECRETARY

### THE WASHINGTON WEEKLY REPORT

September 14 - September 21, 1978 No. 123WR

TO:

Mr. Nick Franklin, Secretary

New Mexico Energy and Minerals Department

FROM:

Washington Office

### **ENERGY**

ATTEMPT TO RECOMMIT NATURAL GAS BILL FAILS/FINAL SENATE VOTE SCHEDULED FOR WEDNESDAY

HOUSE PASSES FUELS TRANSPORTATION AND SAFETY AMENDEMENTS ACT OF 1978

HOUSE APPROVES PUBLIC WORKS WATER AND ENERGY DEVELOPMENT APPROPRIATION BILL (INCLUDES FUNDS FOR WIPP)

SENATE COMMITTEE ACTS ON URANIUM MILL TAILINGS

NATURAL RESOURCES

CHANCES FOR PASSAGE OF ALASKA FUNDS BILL DIM

FEDERAL RECISTER WEEKLY HIGHLIGHTS

GENERAL INTEREST NOTE

SENATE CONDEMNS MICE, REPRISALS LIKELY

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### **ENERGY**

## ATTEMPT TO RECOMMIT NATURAL GAS BILL FAILS/FINAL SENATE VOTE SCHEDULED FOR WEDNESDAY

An attempt by opponents of the Natural Gas Bill to recommit the bill to conference with instructions to strike the pricing provisions, failed last Tuesday by a vote of 59 to 39. The defeated attempt to recommit has added to the momentum that has been building for the bill since President Carter began effectively lobbying for it the first of this month.

The next crucial vote is scheduled for next Wednesday. At that time a vote on the bill is expected to be approved or defeated. Indications are that the bill will be passed by the Senate by a very slim majority.

Assuming that the gas bill makes it through the Senate, it will then go back to the House for a final vote. Indications are that the House leadership will, repackage natural gas and other non-tax portions of the energy proposals into one bill for a final vote.

If the energy proposals were taken up separately, House members could vote against the natural gas portion and for the other noncontroversial portions of the energy bill. It is for this reason that proponents of the Natural Gas bill are expected to make every effort to keep the bill in one single package.

### HOUSE PASSES FUELS TRANSPORTATION AND SAFETY AMENDMENTS ACT OF 1978

Last week, by a voice vote, the House passed the Fuels Transportation and Safety Amendments Act of 1978 (H.R. 11622). Added to the House version were amendments requiring the Department of Transportation to conduct a study on the effects of including, under coverage of the act underground gas storage; clarifying that Section 106 is meant only to plug loopholes in existing and overlapping laws and not to expand the authority of the DOT Secretary; and emphasizing that reporting, requirements of Section 102 will be satisfied by pipeline operators records without requiring extraordinary excavation activity.

A conference to consolidate the House bill and the Senate bill (S. 1895) is expected in the near future. The Senate version passed last may only contains funding authorization for the programs administered under the Act. (For background and summary of the bill see No. 121WR).

# HOUSE APPROVES PUBLIC WORKS WATER AND ENERGY DEVELOPMENT APPROPRIATION BILL (Includes funds for WIPP)

Late last week, the House approved a \$10 billion public works energy and water development appropriations bill. The measure, adopted by House-Senate conferees, now needs Senate approval. No date of Senate consideration has been scheduled.

CONFIDENTIAL appropriations bill provides money for a number of front control

and water resources projects as well as \$200 million for the Clinch River Breeder Reactor. The Administration opposes these projects and considers them unnecessary. A presidential veto is likely and Representative Bevill (D-Ala), chairman of the Public Works Appropriation Subcommittee, said "a veto will be hard to override." Bevill also pointed out that under the budget control act, Carter has the power to go ahead and sign the bill into law, while deferring or killing any portions of it that he finds unacceptable.

Funding for the Waste Isolation Pilot Plant (WIPP) in New Mexico is included in this measure. WIPP has been authorized as a facility for the permanent disposal of defense transauranic waste and for research and development on other waste forms including high level waste. As presently authorized, licensing of WIPP is not required.

With regards to WIPP, language drawn up by the House-Senate conferees and approved by the House will:

o appropriate \$10,000,000;

2.14

- o prohibit the use of funds appropriated in this bill to license the operation of WIPP, or for radioactive waste storage at the plant (wastes not resulting from national defense of DOE);
- o the appropriation will not be contingent on the enactment of DOE authorizing legislation.

A limited demonstration of the permanent disposal of up to one thousand commercial spent fuel assemblies has been proposed by the Department of Energy. Such a demonstration and its licensing requirements have not been agreed to by Congress. There is congressional opposition to this DOE proposal. (No congressional consideration has been scheduled regarding this proposal.)

### SENATE COMMITTEE ACTS ON URANIUM MILL TAILINGS

### 100% Federal Funding Provided

The Energy and Natural Resources Committee completed action Thursday afternoon on its version of a bill which would provide for clean-up of abandoned uranium mill tailings piles in several Western States.

The Senate committee acted favorably on two amendments offered by Senator Pete Domenici, (R-N.M.). One of the amendments increased the federal share of the funding formula from 90% to 100% and specified that the federal government would also pay any costs incurred by the state in connection with land acquisition required by the bill. The second major change added two previously excluded New Mexico tailings piles (at Milan and Bluewater) to the list of sites which will be eligible for assistance under the cleanup program.

Other provisions of the reported bill include; state concurrence prior to implementation of a remedial action plan; an NRC study of "comingled" tailings piles (those including wastes produced under both AEC and private contracts) to determine liability and recommend CONFIDENTIAL POL-EPA01-0009115

appropriate federal action; and an NRC study of the public health hazards associated with uranium mine wastes.

### Other Senate Action:

In a related action, the Senate passed S. 2584, the NRC authorization bill, on Monday, September 18. The Senate-approved version of the bill contained a two-part amendment, sponsored by Senator Gary Hart, (D-Colo.) which would clarify the authority of NRC and "agreement states" to regulate tailings produced by existing uranium mills and to provide for a study of the feasibility of extending NRC authority to include presently unlicensed waste-disposal activities of the federal government. The first part of this amendment corresponds with Title II of H.R. 13650, the House version of the mill tailings bill.

### House Action:

No House action on its version of the mill tailings bill occurred this week. The Commerce Committee, however, has scheduled a markup session on a Commerce-Interior Committee compromise bill for Tuesday, September 26. Governor Jerry Apodaca sent a letter to the members of the Commerce Committee last week expressing the concerns of New Mexico over the mill tailings issue and urging prompt attention to this legislation. The committee is expected to complete action on the bill next week.

- o NOTE: The Senate Energy and Natural Resources Committee voted 17-0 (2 not voting) on Thursday to report favorable S. 3392, a bill authorizing a research, development, demonstrattion and commercialization of photo-voltaic technology. The legislation sponsored by Senator Spark Matsunaga, (D-Hawaii) will provide 1.5 billion dollars over a ten year period to stimulate both research and development of commercial markets for photo-voltaic technology. A similar bill passed the House by a large margin in 1977.
- o NOTE: The American Gas Association filed comments with the Federal Energy Regulatory Commission urging the commission not to adopt the proposed changes in the 60-day emergency gas program. In their comments, the AGA states that the proposed regulations pose unncecessary administrative problems and could cause the loss of essential flexibility necessary to bring about emergency purchases during future periods of natural gas supply shortage.

### NATURAL RESOURCES

### CHANCES FOR PASSAGE OF ALASKA FUNDS BILL DIM

Failure of the Senate Energy and Natural Resources Committee to hold markup sessions this week on the controversial Alaska National Interest Funds legislation is seen by many observers as an indication that odds against final passage of the controversial legislation have increased to near certainty.

The Senate committee, which held both day and night sessions from CONFIDENTIAL ne 28 until the August recess on the package, haPOL-EPA01-0009116.

session since the recess. The continuing delay in completing Senate committee action on the measure has virtually eliminated the possibility of completing Senate action and successfully resolving the expected large differences between the House and Senate versions.

The complex package of legislation would set aside large portions of the 200 million acres of federal land in Alaska for use as wilderness, parks and wildlife refuges. It would also limit various uses of protected lands such as sport hunting, lumbering, grazing and mineral exploration. The proposed limitations would go beyond those imposed on wilderness areas, refuges and national forests in other states. While the legislation would directly affect only Alaska, it has been closely observed by other states with large concentrations of federal lands because of the potential for future expanded application of use-restriction provisions.

The House-passed version (H.R. 39) would impose tighter constraints on commercial development of a larger acreage than would the Senate bill in its present form. Morris Udall, (D-Ariz.), sponsor of the House bill, has indicated that he would prefer no action at all to passage of the present Senate provisions. This conflict, combined with the continued opposition to the bill by both of Alaska's Senators, appears likely to prevent Congressional action on the measure before the October adjournment.

Passage of the bill has been vigorously pressed because of expiration in December of this year of the period allowed under the Alaska Statehood Act for the Congress to decide on disposition of federal lands in the state. The administration, however, has indicated that it will act by executive order to place the lands in question under study for up to fiteen years, thus allowing time for passage of the necessary legislation by a future Congress.

### FEDERAL REGISTER WEEKLY HIGHLIGHTS

FR41662 Part III 9-18-78 Department of Interior, Office of Surface Mining Reclamation and Enforcement, published proposed rules for the permanent regulatory program for the regulation of surface and underground mining operations by the federal and state governments, required by the Surface Mining Control and Reclamation Act of 1977. Comments must be submitted to OSM on or before November 17, 1978. September 22, OSM will conduct a briefing on some of the highlights as well as the procedures for comments on this complex proposal, to be held in Washington. There will be a representative from the New Mexico Washington Office attending this briefing.

FR41290 9-15-78 HEW, Office of Education published notice of closing dates for filing applications, corrections and appeals for funds and for establishing eligibility for the Supplemental Educational Opportunity Grant, College Work-Study and National Direct Student Loan programs.

### GENERAL INTEREST NOTE

In a brief but impassioned speech to the Senate on Fridav, September 15, Senator William Proxmire, (D.-Wisc.), vigorously condemned the recently increased activism of Capitol Hill mice. Senator Proxmire expounded at length upon the threat posed to the integrity of the lawmaking process by the numerous rodents which have taken up residence in the Dirksen Senate Office Building and are "moving in on the Capitol itself." In his opening remarks Proxmire referred to the invading hords as a "menace that has touched every Senate office with its icy fingers." Later, in an attempt to win bipartisan support for an all-out campaign against the threat, he suggested that, given the known aversion of elephants for mice, the presence of the creatures in the halls of Congress may be a significant deterrent to any increase in GOP representation on the Hill.

The severity of the "menace", Proxmire said, is a result not only of stupifying numbers and maddening persistence, but also the startling intelligence possessed by the furry monsters. The Senator went so far as to speculate aloud that some of the mice were superior in mental skills to some of the legitimate inhabitants of the DSOB.

As an offensive tactic in the so far unsuccessful battle against the mice, Senator Proxmire suggested cutting back .001% on the budget for the new Senate office building and using the funds thus saved to stuff the holes with dollar bills in the DSOB into which the mice, in time honored guerilla fashion, retreat at the first sign of a superior force.

The Senate failed to act on this suggestion.

In a followup to this news, staff of the Washington Office spoke with a source close to "Big Cheese" (the non-de-guerre of the leader of the Popular Front for the Liberation of Mice and Cockroaches - the PFLMC). This source informed WR that the PFLMC was considering retaliatory action. He refused to specify precisely what form the action would take. He did say that a housing discrimination suit in federal court was under consideration and that a suggestion to devour all existing copies of the Natural Gas Compromise was rejected because many mice argued that such an action would be a blessing, rather than a curse upon the legislators. Asked to comment on Senator Proxmire's tactical proposal, our source chuckled and said, "We like money. It's good roughage."